OFFICE OF THE VICE PRESIDENT WASHINGTON

CONFIDENTIAL

INFORMATION

Memo No. 704-77 March 21, 1977

MEMORANDUM FOR THE VICE PRESIDENT

FROM:

Denis Clift .

SUBJECT:

Luncheon with the President, Tuesday,

March 22, 1977

U.N. Speech

1. It is my impression that your March 17 address to the U.N. has been well received.

2. I think it is very helpful both in terms of the U.S. public's understanding and understanding abroad to have this broad statement of your foreign policy objectives on the record so early in your Administration.

Australia -- Meeting with Foreign Minister Peacock

- I will be meeting with Australia's Foreign Minister, Andrew Peacock, this Thursday.
- He will be here on an official visit for talks with Cy Vance, and Cy attached some importance to my receiving him as well.
- 3. It should be a useful meeting. The Australians have been concerned that the Administration has forgotten to include them in the initial round of consultations with allies.

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- 4. It is my understanding they also attach considerable importance to the close consultations on our policy toward Asia and the Indian Ocean.
- 5. Prime Minister Fraser of Australia has been very concerned about the Soviet military buildup in the Indian Ocean, he has supported a countervailing U.S. presence there, and he believes that any U.S. withdrawals should be matched by Soviet withdrawals.

Intelligence

- Stan Turner and I had a useful conversation with Senator Inouye last week.
- 2. On the subject of Congressional committees with intelligence oversight, it is my impression that he thinks it may be premature to consider one joint committee -- that, perhaps, the House might establish a Select Committee similar to the Senate's, and that the two Select Committees might then consider having joint hearings.
- Stan Turner and I will be meeting with Senator Huddleston right after lunch today to discuss the best timing for legislative action on intelligence charters.
- 4. We will want to avoid premature action by the Congress at a time when you have this entire issue under review with PRM-11.





OFFICE OF THE VICE PRESIDENT WASHINGTON

MEMORANDUM TO: The Vice President

FROM:

Dick

RE:

Monday Lunch Agenda

- 1). D.C. TASK FORCE. I propose that a small intergovernmental task force be established consisting of:
 - 3 White House people (Bunny Mitchell, Jim Dyke, Domestic Council representative.)
 - 5 from Hill (chairman and ranking member of each District Committee plus Fauntroy)
 - 2 from D.C. Government (one each representing mayor and council).
- * I will convene the first several meetings and remain involved until I am confident that the proper relationships have been established and that it is working well.
- * This would not be a decision-making group, but rather an informal and consultative vehicle for a continuing dialogue between the three entities.
- * The task force will develop both a long and short term agenda, and after appropriate consultation the White House members will give you policy alternatives and recommendations.
- 2). UPDATE ON TREATIES. The Senate Foreign Relations Committee plans to begin hearings on pending treaties in early June. Earlier action is not contemplated because the committee must report all authorizing legislation to the Senate by May 15 under the Congressional Budget Act. Following is a brief report on anticipated problems which should be discussed with Senators Sparkman and Case.
- * Genocide Convention This has been opposed in the past on two grounds: first, that the additional authority conferred upon the International Court of Justice would be an unwarranted invasion of the internal affairs of the United States; second, that federal legislation necessary to implement the treaty would be an invasion of the states' rights

to prosecute crimes within their borders. Prospects for ratification are believed much better than in the past. Jesse Helms would be expected to lead the opposition.

- * Vienna Convention on the Law of Treaties Because the word "treaty" is used generically to encompass executive agreements, Senator Case is concerned that the convention might elevate the legal status of executive agreements and circumvent the Senate's powers.
- * Tax Convention with the United Kingdom There may be women's group opposition on the ground that the income of American women married to British citizens working in the United Kingdom would be taxed but that American men working in the U.K. would not.
- * Treaties with the USSR on Limitations of Underground
 Nuclear Weapons Tests and on Underground Nuclear Explosions
 for Peaceful Purposes Senate debate on these treaties
 might be used as a forum to criticize ongoing SALT negotiations. The timing on any such debate should, therefore,
 be carefully considered. A two-thirds majority appears
 possible but is by no means assured, particularly for the
 Peaceful Nuclear Explosions Treaty which has both liberal
 and conservative opposition.

No problems are anticipated with respect to the Convention for the Unification of Certain Rules Relating to International Carriage by Air or the Tax Convention with Israel and Egypt.

I am pursuing with Bob Lipschutz the proposed "reservations" to the four international human rights treaties and conventions discussed in his memorandum of March 28.

3). REBATE VOTE.

- * The tax bill will be the pending business Monday, April 18. The Republicans have objected to any time agreement.
- * The latest head count shows <u>us losing</u> on the Bumpers amendment to strike the rebate, 49 with Bumpers, 45 against and 6 undecided. As time goes on, the atmosphere is becoming more and more partisan, with fewer and fewer liberal Republicans voting with us.
- * Cranston thinks Russell Long's "price" will be a statement by the President on the water projects to the effect that the usual, lawful legislative and budgetary procedures will be followed with respect to recisions, impoundments and other matters and that Congress (at least by implication)

will have the last word. I suggest any such statment not be made in the context of Long's help on the tax rebate but either (1) at the leadership breakfast Tuesday, (2) at the contemplated meeting of Congressional public works leaders to discuss guidelines for future waterprojects, or (3) in conjunction with the April 15 deadline announcement of the disposition of the thirty projects currently subject to field hearings and final evaluation.

* Byrd is taking the lead and will want to keep control. Cranston is working with him and will be our best source of information. As the first such effort by Byrd for the Administration, he will no doubt pull out every stop to assure his own success. (Vote count attached on following page.)

4). MIDDLE EAST/SADAT

- * Sadat places high priority on his need for U.S. arms -this was a principal focus of his statements in a recent
 "Sixty Minutes" interview. While not turning off the tap
 on defensive weapons, I think it is important not to encourage him on offensive weapons.
- * The two other issues of principal interest to him would seem to be the question of borders and the Palestinian role.
- * I think his visit, and your explanation on borders -- including our use of the more precise term "security arrangements following basic Israeli withdrawal" should have a useful effect.
- * I will have the opportunity at his return dinner tomorrow night to continue to impress upon him your position on these key issues.

4a). ISRAELI DEVELOPMENTS

* The May 17 elections look tight for Rabin and his Labor Party. However, it is my impression that the Intelligence Community believes that he still has a good chance to be running the next government.

5). SOUTHERN AFRICA

- * I have been devoting considerable attention to the question of a possible meeting with Prime Minister Vorster and the approach that we might take with him on apartheid, Rhodesia and Namibia.
- * I have broken this down into a detailed set of options and I am drafting a decision paper for your consideration this week.

BUMPERS AMENDMENT

VOTE COUNT

+	?+	?	?-	
Abourezk Anderson Bayh Brooke Burdick Byrd, R.C. Chiles Church Clark Cranston Culver Durkin Eagleton Gravel Hathaway Huddleston Humphrey Inouye Jackson Kennedy Long McIntyre Magnuson Matsunaga Melcher Metzenbaum Moynihan Muskie Nelson Pell Randolph Ribicoff Riegle Sarbanes Sasser Sparkman Talmadge Williams	Case Glenn Hatfield Mathias Metcalf Nunn Pearson	Biden Ford McGovern Schweiker Stafford Proxmire	Bellmon Bentsen Eastland Hart Haskell Hayakawa McClellan Stennis Weicker	Allen Baker Bartlett Bumpers Byrd, H. Cannon Curtis Danforth DeConcini Dole Domenici Garn Goldwater Griffin Hansen Hatch Heinz Helms Hollings Javits Johnston Laxalt Leahy McClure Morgan Packwood Percy Roth Schmitt Scott Stevens Stevenson Stone Thurmond Tower Wallop Young Zorinsky
38	7	6	9	Chafee Lugar 40
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(SOUTHERN AFRICA continued)

- * As a first step, I will be going over it with Cy Vance, Zbig Brzezinski and Andy Young to ensure that we give you our best recommendations on the pros, cons and substance of such a mission, its timing and the site for talks with Vorster.
- * A very good argument can be made, for example, for holding such talks in Europe rather than South Africa.

6). INTELLIGENCE

- * Stan Turner and I met again last Friday with some of the key staffers working on the overall question of intelligence structure and coordination of legislation with the Congress.
- * I know that you would like to schedule a meeting with Senator Inouye and members of the Senate Select Committee on Intelligence at some point in the near future.
- * That meeting might provide a good occasion for a statement to the press by you or me on the direction that the Administration is taking on this entire issue of intelligence, charters for the intelligence agencies and related matters.
- * I think that the meeting and the statement together—as well as realted consultations with the House—might reduce some of the pressure from the Congress for premature action on intelligence legislation before you have completed your review.
- 7). RELATIONS WITH LABOR MOVEMENT. Discuss Wednesday lunch with Meany et al and suggest possible agenda.
- * Open with things we have agreed on and helped on, e.g., voter registration, hatch act, situs picketing.
- * Announce intention to send up strong labor law reform message, positions stated in general terms (Stu indicates message could go up Wednesday afternoon, in which case President could give Meany first copy and possibly arrange for joint news statement announcing the message.
- * Either President or V.P. will attend construction trades conference (?).
- * Indicate we want closer consultation on labor concerns.

(RELATIONS WITH LABOR MOVEMENT continued).

- * Make case for labor support on rebate vote.
- * Ask Meany to list labor's priorities, which no doubt will include
 - -- Cargo preference will be hard to support, but indicate committment to stronger merchant marine and willingness to work on Russian wheat shipments.
 - -- Minimum wage -- too early to show willingness to back down but try to get indication of their flexibility.

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March 26, 1977

TO: VICE-PRESIDENT

FROM: DICK

RE: MONDAY LUNCH AGENDA

SALT - Si. Suff Conf

- (1) Election Reform. Indicate good initial reaction to message, especially registration proposal. We plan to push for early hearings and action in both houses and are optimistic about prospects. DNC is undertaking a major effort to get state and local support built up, and we are trying to get support of national non-partisan groups.

 Might indicate Hill people appreciated being included in development and announcement of the proposal, and that strategy could help us in the future matters.
 - (2) Cabinet Time on Hill. See Bill's memo attached.
 - (3) Update on pending treaties. See Bill's memo attached.
- (4) More time on EPG decision papers. See Gail's memo attached urging that EPG decision papers be circulated at least a week in advance so there is enough time for others to react and so President deosn't have to make decisions under the gun.
 - (5) Update of Presidential Agenda Effort. See Gail's memo attached.
 - (6) Foreign Policy. See Denis' memo attached re:
- a) Africa. Plan to have recommendations by mid-week; indicate your instincts for low profile.
 - b) Somalia. Move fast.
 - c) Indian Ocean. Australians' concern about withdrawal.

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THE VICE PRESIDENT WASHINGTON

March 28, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: The Vice President

RE: Cabinet Congressional Time

Updating my report to you of March 7, the attached chart indicates, on a weekly and cumulative basis, the percentage of time (assuming a 55 hour week) Members of the Cabinet, individually and as a group, have spent preparing for and testifying before Congressional committees.

On the average, the Cabinet has spent 12 percent of its time on Congressional matters with Bert Lance (at 35 percent) and Harold Brown (at 22 percent) in the lead.

WEEKLY CABINET CONCLESSIONAL TIME

(Percent of 55 Hour Week - Testimony and Preparation)

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WEEK BEGINNING											
DEPT/AGENCY	JAN 23	JAN 30	FEB 6	FEB 13	FEB 20	FEB 27	MAR 6	MAR 13	MAR 20	MAR 27	AVER- AGE %
Defense (Brown)	32%	27%	0%	29%	35%	33%	5%	19%		=1 6.	22%
State (Vance)	0	2	7	0	20	37	0	8			8
Treasury (Blumenthal)	0	50	-0	0	0	36	26	15			16
Justice (Bell)	0	0	0	0	11	4	17	0			4
Interior (Andrus)	0	0	54	0	21	19	20	10			16
Agriculture (Kerglund)	0	0	0	0	0	17	17	0		}	4
Commerce (Kreps)	0	23	18	0	0	18	50	0			14
Labor (Marshall)	0	10	10	0	2.4	0	0	6			6
HEW (Califano)	0	0	0	0	0	40	9	0			6
HUD (Harris)	0	2	1	2	77	27	3	11			15
Transportation (Adams)	0	14	0	0	8	0	-0	9			4
Energy (Schlesinger)	0	2	0	0	0	0	4	0			1
OMB (Lance)	24	80	18	0	24	58	65	11			35
CEA (Schultze)	29	29 -	4	2	4	24	20	23			17
Average %	6%	17%	7%	2%	16%	22%	17%	8%			12%

THE VICE PRESIDENT WASHINGTON

March 25, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: The Vice President

SUBJECT: Pending Treaties

Pursuant to your request for the prompt ratification of the six treaties marked on Warren Christopher's memorandum of February 24 (Tab A), below is a status report on my efforts.

The Senate Foreign Relations Committee plans to begin hearings on these treaties in early June. Earlier action is not contemplated because the committee must report all authorizing legislation to the Senate by May 15 under the Congressional Budget Act.

Following is a brief report on any anticipated opposition and other pertinent information that may bear upon ratification of these treaties.

Genocide Convention

The Genocide Convention has been reported by the Senate Foreign Relations Committee four times and debated in the Senate on three occasions since its original submission in 1949. It has been opposed on two grounds. First, it is argued that the additional authority conferred upon the International Court of Justice would be an unwarranted invasion in the internal affairs of the United States. Second, it is argued that federal legislation necessary to implement the treaty would be an invasion of the states' rights to prosecute crimes within their borders. Sam Ervin led the opposition in these debates. Prospects for ratification are believed much better at this time, although Jesse Helms is expected to lead the opposition in this Congress.

Vienna Convention on the Law of Treaties

The convention uses the word "treaty" generically to encompass both executive agreements and treaties subject to ratification under the U.S. Constitution. Senator Case

is concerned that the convention might therefore elevate the legal status of executive agreements and thus circumvent the Senate's powers with respect to treaties and executive agreements. At earlier committee sessions, Case has attempted to offer accompanying clarifying language. However, different versions of this language considered by the committee have, in the judgment of the State Department, gone too far in the other direction and might require that executive agreements be submitted to the Senate for ratification. It is believed this problem can be worked out with Senator Case when the committee considers the convention again this year.

Convention for the Unification of Certain Rules Relating to International Carriage by Air

The committee staff knows of no opposition to this convention which was submitted to the Senate earlier this year.

Tax Convention with the United Kingdom

A number of Senators have received mail opposing this treaty on the ground that it would impose taxation upon the incomes of American women married to British citizens and working in the United Kingdom but not upon American men working in the U.K.

Tax Conventions with Israel and Egypt

There is no known opposition and the committee plans to consider these and all other tax conventions at the same hearing, probably in June.

Treaties with the USSR on Limitations of Underground Nuclear Weapons Tests and on Underground Nuclear Explosions for Peaceful Purposes

These treaties will be considered first by Senator Pell's Arms Control Subcommittee. While early action is planned, it should be noted that the Senate floor debate on these treaties, particularly with respect to the verification of underground nuclear explosions and other matters, might be used as a forum to criticize ongoing SALT negotiations. A two-thirds majority appears possible but is by no means assured, particularly for the Peaceful Nuclear Explosions Treaty which has both liberal and conservative opposition. The timing of any such debate should, therefore, be carefully considered.

* * * * * *

In addition to the six treaties mentioned above, I presume you would want prompt action on the three human rights conventions discussed in your U.N. speech and on the Treaties with Mexico and Canada on the Execution of Penal Sentences. These are described on the attached list (Tab B). If you agree with this recommendation, I will pursue action on these as well as continue to urge prompt ratification on the six.

International Convention on the Elimination of All Forms of Racial Discrimination. Signed by the United States 1966, not yet submitted to the Senate.

Forbids racial and ethnic discrimination in all fields of public life. Reservations and understandings which must accompany its ratification are now being drafted for recommendation to the Senate. Ratification has not been sought by previous administrations.

International Covenant on Economic, Social and Cultural Rights. Adopted by the UN General Assembly 1966, not yet signed by the United States or submitted to the Senate.

Sets forth a series of economic, social and cultural rights and goals, the vast majority of which are in accord with United States law and policy. Discussions concerning the text of the reservations and understandings to accompany ratification is nearly complete. Ratification has not been sought by previous administrations.

International Covenant on Civil and Political Rights.

Adopted by the UN General Assembly 1966, not yet signed by the United States or submitted to the Senate.

Establishes civil and political rights closely paralleling United States law, focussing primarily on limiting the power of the State to impose its will on the individual. Appropriate and necessary reservations and understandings are in the final stages of drafting. Ratification has not been sought by previous administrations.

Treaties with Mexico and Canada on the Execution of Penal Sentences. Signed November 25, 1976, and submitted to Senate (Mexico); signed March 2, 1977, not yet submitted to Senate (Canada).

Provides mechanism and authority for the exchange of prisoners in Mexican or Canadian and United States jails who request and are approved for such transfer. Senate action on these treaties has been delayed pending presentation and consideration of implementing legislation, now in the last stages of preparation by the Department of Justice.

THE DEPUTY SECRETARY OF STATE - DESIGNATE WASHINGTON

February 24, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: Warren Christopher W.C.

SUBJECT: Treaties Currently Pending

Before the Senate

This report is in response to your request at the February 7 Cabinet meeting. Twenty-eight treaties are currently pending before the Senate for its advice and consent. The most important are the two treaties regulating underground nuclear testing, the Vienna Convention on the Law of Treaties, and the Genocide Convention.

The treaties include:

- -- seven dealing with taxation;
- -- four multilateral conventions proposed by the International Labor Organization;
- -- seven dealing with various aspects of maritime law, including oil pollution; and
- -- two dealing with aviation law.

This memorandum indicates the substance of each treaty, grouping them in the following categories:

(1) those meriting particular Presidential support;

(2) those under inter-agency review; (3) those requiring no further Executive Branch action at this time; (4) a treaty requiring prior agreement on implementing legislation and (5) treaties withdrawn or to be withdrawn. All pending treaties have been referred to the Senate Committee on Foreign Relations.

1. Treaties Meriting Particular Presidential Support.

We recommend that prompt action be taken to secure ratification of the following treaties:

Convention on the Prevention and Punishment of the Crime of Genocide. Submitted to the Senate 1949, request renewed 1970.

Outlaws genocide and requires that States legislate its punishment. Passage of this major human rights convention has been pressed over the years. Its approval will signal a renewed U.S. commitment to advancing human rights internationally through the treaty-making process. This and all other Administrations have favored its substance and its ratification.

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Vienna Convention on the Law of Treaties. Submitted to the Senate 1971.

Codifies the customary international law of treaties in authoritative form. This landmark treaty, resulting from a quarter century's work by the UN International Law Commission, clarifies and develops the law of treaties in important ways satisfactory to the U.S.

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Protocols 3 and 4 to the Convention for the Unification of Certain Rules Relating to International Carriage by Air. Submitted to the Senate 1977.

Modernizes the procedures for international carriage of goods and passengers
by air. Introduces concept of strict
liability and higher limits of liability
for carriers in case of death or injury
of passengers. Department has urged early
action because of need to effect this
modernization, and fact that many States are
awaiting U.S. action before acting themselves.

ok TC Tax Convention with the United Kingdom, with related exchange of notes and Protocols. Submitted to the Senate 1976.

This convention would apply double taxation and other characteristic tax provisions. Because the convention has retroactive provisions, early action is important. A second protocol has been approved by the U.K. and will be forwarded to the Senate for consideration with the rest of the treaty in the near future.

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Tax Conventions with Israel and Egypt. Submitted to the Senate 1976.

These conventions would apply standard double taxation and other provisions. For political reasons, these two conventions should be considered and approved at the same time.

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2. Treaties Under Inter-Agency Review.

Treaties with the USSR on Limitation of Underground Nuclear Weapons Tests, and on Underground Nuclear Explosions for Peaceful Purposes, and Protocols Thereto. Submitted to the Senate 1976.

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These highly important treaties establish procedures for and limitations upon the conduct of underground nuclear explosions by the U.S. and the USSR. Comprehensive inter-agency review of all nuclear agreements, now nearing completion, promises to result in a recommendation that you seek early consent to these treaties.

Convention on Civil Liability for Oil Pollution Damage. Submitted to the Senate 1970.

Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. Submitted to the Senate 1972.

These conventions establish an international system of strict liability and compensation for oil pollution damages from tankers. They have been strongly supported by past Administrations. However, the desirability of continued support for them is under study by the interagency Oil Pollution Task Force.

3. Treaties Requiring No Further Executive Branch Action at This Time.

The following treaties, favored by prior Administrations, merit continued, but not special Presidential, support. It is recommended that they be left before the SFRC without comment at this juncture.

Treaty with Colombia concerning the Status of Quita Sueno, Roncador, and Serrana. Submitted to the Senate 1973.

Withdraws U.S. claim to uninhabited islets in the Caribbean. Department considers that improvement of relations with Colombia outweighs a loss of a claim to oil that possibly might be found in the waters of the islets. Colombia may expect action by the new Administration, but a competing claim of Nicaragua complicates the picture.

Convention on Tonnage Measurement of Ships. Submitted to the Senate 1972.

Establishes a uniform system of tonnage measurement of ships. Although there is considerable industry opposition, the Department continues to favor its approval.

Convention for the Safety of Life at Sea. Submitted to the Senate 1976.

Incorporates amendments to and improvements on the 1960 Safety of Life at Sea Convention.

Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, Concerning Tank Arrangements and Limitation of Tank Size. Submitted to the Senate in 1972.

These amendments to the 1954 Oil Pollution Convention establish tank size limitations and construction requirements which will minimize damage to the environment from oil spills in the event of collision or stranding.

Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954

(As Amended in 1969), Concerning the Pollution of the Great Barrier Reef. Submitted to the Senate in 1972.

These amendments apply international prohibitions and limitations on oil discharges to the area of the Great Barrier Reef, in order to protect this ecologically fragile area.

Protocol Concerning Compulsory Settlement of Disputes (Law of the Sea). Submitted to the Senate 1959.

Furthers U.S. policy in support of third-party adjudication of law of the sea disputes. Approved, then rejected and returned to Committee by the Senate in 1960. This protocol will be overtaken by the new comprehensive law of the sea treaty, if it is concluded.

Tax Convention with the Republic of Korea. Submitted to the Senate 1976.

A standard tax treaty; early action is not considered essential.

Protocol to the Convention on International Civil Aviation. Submitted to the Senate 1977.

Increases the membership of the ICAO Council from 30 to 33 states, thus permitting broader representation in that body.

Convention on Psychotropic Substances. Submitted to the Senate 1971.

Limits the use of psychotropic drugs to medical and scientific uses.

Convention Abolishing the Requirement of Legalization for Foreign Public Documents. Submitted to the Senate 1976.

Provides simplified and universal rules for authentication of foreign documents. Passage would greatly reduce difficulties of litigation involving foreign documents.

Protocol of Amendment to the Rio Treaty. Submitted to the Senate 1975.

Enables OAS sanctions to be lifted by majority rather than two-thirds vote, and makes several administrative changes in the operation of the OAS.

Convention Concerning the Abolition of Forced Labor. Submitted to the Senate 1963.

Parties undertake to suppress and abolish the practice of slave labor within their territory.

Convention Concerning Freedom of Association and Protection of the Right to Organize. Submitted to the Senate 1949.

Guarantees the basic right of workers to establish and join organizations of their own choice.

Convention Concerning Employment Policy. Submitted to the Senate 1966.

Encourages parties to pursue an active policy of promoting full, productive and freely chosen employment.



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